

HOUSE BILL 16
CONSTITUTIONAL AMENDMENT

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P1
HB 45/00 - CGM

2001 Regular Session
11r0343

(PRE-FILED)

By: **Delegate Arnick**
Requested: July 27, 2000
Introduced and read first time: January 10, 2001
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Comptroller - Rules of Succession**

3 FOR the purpose of proposing an amendment to the Constitution of Maryland that
4 changes the rules of succession for the office of State Comptroller in case of a
5 vacancy, or if the Comptroller is removed under certain circumstances, to
6 require that the Chief Deputy Comptroller acts as Comptroller until a successor
7 is elected at the next regularly scheduled general election and the successor
8 qualifies and takes office; and submitting this amendment to the qualified
9 voters of the State of Maryland for their adoption or rejection.

10 BY proposing an amendment to the Constitution of Maryland
11 Article VI - Treasury Department
12 Section 1 and 6

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
15 concurring), That it be proposed that the Constitution of Maryland read as follows:

16 **Article VI - Treasury Department**

17 1.

18 There shall be a Treasury Department, consisting of a Comptroller chosen by
19 the qualified electors of the State, who shall receive such salary as may be fixed by
20 law; and a Treasurer, to be appointed on joint ballot by the two Houses of the
21 Legislature at each regular session in which begins the term of the Governor, who
22 shall receive such salary as may be fixed by law. The terms of office of the Comptroller
23 and Treasurer shall be for four years, and until their successors shall qualify; and
24 neither of the officers shall be allowed, or receive any fees, commissions or perquisites
25 of any kind in addition to his salary for the performance of any duty or services
26 whatsoever. In case of a vacancy in the office of the Comptroller by death or
27 otherwise, [the Governor, by and with the advice and consent of the Senate, shall fill
28 such vacancy by appointment, to continue until another election and until the
29 qualification of the successor] THE CHIEF DEPUTY COMPTROLLER SHALL ACT AS
30 COMPTROLLER UNTIL A SUCCESSOR IS ELECTED AT THE NEXT REGULARLY

1 SCHEDULED GENERAL ELECTION, AND THE SUCCESSOR QUALIFIES AND TAKES
2 OFFICE. In case of a vacancy in the office of the Treasurer by death or otherwise, the
3 Deputy Treasurer shall act as Treasurer until the next regular or extraordinary
4 session of the Legislature following the creation of the vacancy, whereupon the
5 Legislature shall choose a successor to serve for the duration of the unexpired term of
6 office. The Comptroller and the Treasurer shall keep their offices at the seat of
7 government, and shall take such oaths and enter into such bonds for the faithful
8 discharge of their duties as are now or may hereafter be prescribed by law.

9 6.

10 Whenever during the recess of the Legislature charges shall be preferred to the
11 Governor against the Comptroller or Treasurer, for incompetency, malfeasance in
12 office, willful neglect of duty, or misappropriation of the funds of the State, it shall be
13 the duty of the Governor forthwith to notify the party so charged, and fix a day for a
14 hearing of said charges; and if, in the case of the Comptroller, from the evidence
15 taken, under oath, on said hearing before the Governor, the said allegations shall be
16 sustained, it shall be the duty of the Governor to remove the [Comptroller and
17 appoint another in his place, who shall hold the office for the unexpired term of the
18 Comptroller so removed] COMPTROLLER, AND THE CHIEF DEPUTY COMPTROLLER
19 SHALL ACT AS COMPTROLLER UNTIL A SUCCESSOR IS ELECTED AT THE NEXT
20 REGULARLY SCHEDULED GENERAL ELECTION, AND THE SUCCESSOR QUALIFIES
21 AND TAKES OFFICE. However, if, in the case of the Treasurer, from the evidence taken
22 under oath in the hearing before the Governor, the allegations are sustained, it is the
23 duty of the Governor to remove the Treasurer, and the deputy treasurer shall act as
24 Treasurer until the next regular or extraordinary session of the Legislature following
25 the appointment, whereupon a successor shall be chosen by the Legislature who shall
26 serve for the unexpired term of the Treasurer so removed.

27 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
28 determines that the amendment to the Constitution of Maryland proposed by this Act
29 affects multiple jurisdictions and that the provisions of Article XIV, Section 1 of the
30 Constitution concerning local approval of constitutional amendments do not apply.

31 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
32 proposed as an amendment to the Constitution of Maryland shall be submitted to the
33 legal and qualified voters of this State at the next general election to be held in
34 November, 2002 for their adoption or rejection in pursuance of directions contained in
35 Article XIV of the Constitution of this State. At that general election, the vote on this
36 proposed amendment to the Constitution shall be by ballot, and upon each ballot
37 there shall be printed the words "For the Constitutional Amendments" and "Against
38 the Constitutional Amendments," as now provided by law. Immediately after the
39 election, all returns shall be made to the Governor of the vote for and against the
40 proposed amendment, as directed by Article XIV of the Constitution, and further
41 proceedings had in accordance with Article XIV.